

**DONTZIN NAGY & FLEISSIG LLP**

980 MADISON AVENUE  
NEW YORK, N.Y. 10075  
TELEPHONE (212) 717-2900  
FAX (212) 717- 8088

HON. MICHAEL J. DONTZIN (1993-2012)  
MATTHEW S. DONTZIN  
TIBOR L. NAGY, JR.  
DAVID A. FLEISSIG  
TRACY O. APPLETON  
JASON A. KOLBE

RUBEN G. PERLMUTTER  
AMINA M. HAFEZ  
SUSAN S. HU  
ASHER T. LOWENSTEIN  
HEIDI R. SCHUMANN  
WILLIAM H. LAGRANGE  
RICHARD J. SARCONI

January 26, 2022

***Via ECF***

Hon. Jesse M. Furman  
United States District Judge  
U.S. Courthouse  
40 Foley Square  
New York, New York 10007

*Re: Accent Delight Int'l Ltd. et al. v. Sotheby's et al.*, No. 18 Civ. 9011

Dear Judge Furman:

We represent non-party Sanford Heller. We are writing pursuant to your Individual Rule 7.C.i with regard to Sotheby's motion to seal at ECF 369.<sup>1</sup> Sotheby's has sought to seal, among other things, portions of the September 14, 2021 deposition transcript of Mr. Heller, which we designated as confidential under the Protective Order in this action. (*See* Dkt. 369, 370 Ex. G.) The transcript includes confidential and non-public information relating to Mr. Heller's professional dealings with counterparties and clients, including third-party contact details on page 181 of the transcript. Mr. Heller respectfully submits that Sotheby's motion should be granted to the extent it covers Mr. Heller's deposition transcript.

The Second Circuit has instructed that "the privacy interests of innocent third parties should weigh heavily in a court's balancing equation." *Mirlis v. Greer*, 952 F.3d 51, 61 (2d Cir. 2020) (citing *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)) (internal ellipsis omitted). As the Court recently reiterated, these privacy interests are "[f]oremost among the competing concerns that a court weighing disclosure must consider" and "establish a venerable common law exception to the presumption of access." *Mirlis*, 952 F.3d at 61. (internal quotation marks omitted). Sealing Mr. Heller's deposition transcript will protect these important privacy interests. *See, e.g., Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 156 (S.D.N.Y. 2015) (agreeing that

---

<sup>1</sup> We note that, contrary to Individual Rule 7.C.i, Sotheby's has not notified Mr. Heller that he was required to file, within three days, a letter explaining the need to seal the document.

**DONTZIN NAGY & FLEISSIG LLP**

Hon. Jesse M. Furman

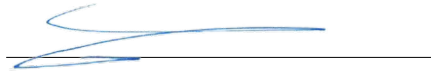
January 26, 2022

Page 2 of 2

“generally, customer names, account numbers, and pricing information . . . overcome[] the presumption of public disclosure”).

Accordingly, we respectfully request that the Court grant Sotheby’s motion to the extent it seeks to seal portions of Mr. Heller’s deposition transcript. At the very least, Sotheby’s motion should be granted with respect to the third-party contact details on page 181 of the transcript.

Respectfully submitted,



David A. Fleissig